

REMARKS

Reconsideration of the rejections set forth in the Office Action dated November 24, 2009, is respectfully requested. In the Office Action, the Examiner objected to claims 25 and 26 and rejected claims 12-31. Applicant has amended claims 12, 17, 25, 26, 27, 28, and 31. Accordingly, claims 12-31 remain pending in the application, and no matter has been added as can be confirmed by the Examiner.

A. Claims 25 and 26 Have Been Amended To Correct Typographical Errors.

In the Office Action, the Examiner objected to claims 25 and 26 under 35 U.S.C. § 112, ¶ 2 for reciting "the preselected first viewing content" and "the first content library," asserting that each recitation lacked proper antecedent basis.

Applicants appreciate the Examiner's careful examination of the Application and have amended claims 25 and 26 to correct the typographical errors. Each instance of "the preselected first viewing content" in claims 25 and 26 has been amended to set forth "the preselected viewing content;" whereas, "the first content library" of claim 25 has been amended to recite "the relevant content library." The above amendments to claims 25 and 26 are made to correct these typographical errors only and not for reasons of patentability.

Accordingly, Applicants submit that the objection to claims 25 and 26 under 35 U.S.C. § 112, ¶ 2 is moot and should be withdrawn.

B. The Cited Prior Art Does Not Disclose Or Suggest A Content Source With First And Second Content Libraries Associated With Respective Passenger Seat Groups And First And Second Portable (Or Handheld) Media Devices That Present First And Second Content Catalogs Of Viewing Content Available From The First And Second Content Libraries And That Enable Selection Of First And Second Selected Viewing Content Via The Content Catalogs As Set Forth In Claims 12-31, As Amended.

In the Office Action, the Examiner rejected claims 12-17 and 19-31 under 35 U.S.C. § 103(a) as allegedly being rendered obvious by Galipeau et al. (hereinafter "Galipeau"), United States Patent No. 6,249,913, in view of Wilson et al. (hereinafter "Wilson"), United States Patent Publication No. US 2004/0192339 A1. The Examiner further asserted that

claim 18 is rendered obvious by Galipeau in view of Wilson in further view of Decinque et al. (hereinafter "Decinque"), United States Patent No. 6,286,139. Applicants respectfully submit, however that, by failing to disclose each and every element of independent claims 12, 25, 27, 28, and 31, as amended, Galipeau in view of Wilson in further view of Decinque does not bear upon the patentability of amended independent claims 12, 25, 27, 28, and 31. Accordingly, it is submitted that independent claims 12, 25, 27, 28, and 31, as well as claims 13-24, 26, 29, and 30 that dependent therefrom, are in condition for allowance.

1. Galipeau Does Not Bear Upon The Patentability Of Claims 12-24, 27-31.

Galipeau, for example, teaches an aircraft data management system with a plurality of integrated seat boxes 18 each being proximate to groups 12, 14 of passenger seats in an aircraft. (See Galipeau at Fig. 1; col. 3:52-55; col. 4:1-4.) Each integrated seat box 18 is disclosed as including function modules, which are replaceable and can be varied depending upon system requirements. (See id. at Figs. 5, 6b; col. 5:57-61; col. 6:14-18.) An audio module 120, for example, receives multiple audio tracks and interfaces with a passenger operated digital passenger control unit (DPCU) 124, enabling a passenger to select audio programming for presentation via stereo (or monaural) headset plugs 130. (See id. at Fig. 6b; col. 7:34-59.) Similarly, a video module 152 interfaces with a video display panel 154 with video selections made via the digital passenger control unit 124. (See id. at Fig. 6b; col. 9:17-32.) Galipeau discloses that the passenger-operated digital passenger control unit 124, the headset plugs 130, and the video display panel 154 each are permanently "mounted" in the aircraft. (See id. at col. 7:55-64; col. 9:17-22.)

The integrated seat box 18 likewise is disclosed as including a data network interface module 114 for supporting bidirectional data communication between a head end controller of the aircraft data management system and a passenger's personal computer 226. (See id. at Figs. 6b, 12; col. 4:26-29; col. 6:64 – col. 7:3; col. 7:19-27; col. 10:58-60; col. 11:59-65.) The data network interface module 114 and the passenger's personal computer 226 are disclosed as

communicating via a hardwired RS-232 or Universal Serial Bus (USB) communication connection. (See *id.* at col. 7:14-18.) According to Galipeau, video output may be displayed on a computer monitor of the passenger's personal computer 226 or the video display panel 154 permanently mounted in the aircraft. (See *id.* at col. 9:21-25.) Further, an onboard Internet mass storage unit 190 is pre-loaded with Internet content that can be accessed by all passengers during flight. (See *id.* at Fig. 9a, col. 10:47-55.) The Internet content alternatively can be provided via Internet server 192 or ground server 232. (See *id.* at Fig. 12, col. 12:25-36, 65-67.)

In contrast to the onboard Internet mass storage unit 190, the Internet server 192, and the ground server 232 that can be accessed by all passengers during flight, independent claims 12, 28, and 31 each recite a headend system for communicating with a content source including a first content library associated with a first passenger seat group within a passenger vehicle and a second content library associated with a second passenger seat group within the passenger vehicle. Similarly, independent claim 27 recites a headend system for communicating with a first content source including a first content library associated with a first passenger seat group within the passenger vehicle and a second content source including a second content library associated with a second passenger seat group within the passenger vehicle. By disclosing that all passengers have access to identical Internet content, Galipeau neither teaches nor even suggests that the Internet content provided by the onboard Internet mass storage unit 190, the Internet server 192, and the ground server 232 is separated into content libraries based upon passenger seat group as set forth in independent claims 12, 27, 28, and 31.

Additionally, unlike the personal computer 226 that have access to the uniform Internet content provided by the onboard Internet mass storage unit 190, the Internet server 192, and the ground server 232, independent claims 12, 27, 28, and 31 each recite a first portable (or handheld) media device for presenting a first content catalog of first viewing content available from the first content library and for enabling selection of first selected viewing content via the first content catalog. Claims 12, 27, 28, and 31 also set forth a second portable (or handheld)

media device for presenting a second content catalog of second viewing content available from the second content library and for enabling selection of second selected viewing content via the second content catalog. The first and second portable media devices are recited as respectively receiving the selected first and second viewing content from the first and second content library and presenting the selected first and second viewing content. Applicants submit that Galipeau fails to teach or suggest that the disclosed personal computer 226 presents a content catalog of viewing content available from a relevant content library for selecting viewing content for receipt and presentation.

Independent claims 12, 27, 28, and 31 each further recite that the first content library is different from the second content library and is not available to the second portable media device. In the manner set forth above, Galipeau discloses that all passengers have access to identical Internet content and thereby does not teach or even suggest that the Internet content stored by the onboard Internet mass storage unit 190, the Internet server 192, and the ground server 232 is separated into content libraries based upon passenger seat group as set forth in independent claims 12, 27, 28, and 31. Galipeau therefore cannot be said to teach a first content library that is different from a second content library and that is not available to a second portable media device for presenting selected second viewing content from the second content library as set forth in claims 12, 27, 28, and 31.

The Examiner, in fact, recognizes the shortcomings of Galipeau, writing "Galipeau fails to explicitly disclose a content source including a first content library and a second content library associated with the first and second group, wherein the first content library is different from the second content library and is not available to said second portable media device." Accordingly, by failing to disclose each and every element of independent claims 12, 27, 28, and 31, Galipeau does not bear upon the patentability of independent claims 12, 27, 28, and 31, and Applicants submit that claims 12-24, 27-31 are in condition for allowance.

2. Galipeau In View Of Wilson In Further View of Decinque Does Not Bear Upon The Patentability Of Claims 12-24, 27-31.

Recognizing the shortcomings of Galipeau, the Examiner attempts to rely on the teachings of Wilson to supplement the disclosure of Galipeau.

Wilson discloses a system for providing location-based services to mobile devices within the vast coverage area of a stationary wireless telecommunication system. (See Wilson at Fig. 1A; Abstract; Paras. [0039], [0042].) More specifically, Wilson describes:

...a system and associated method that allows users to locate friends or other contacts, businesses, points of interest (POI's) or other locations, and manage this information in a user-friendly environment. A user with a wireless device, such as a cellular phone, may identify the locations of select individuals (via their wireless devices). Likewise, the user may receive directions to a desired location, and even coordinate a meeting place with a friend.

Aspects of the system allow a user to identify, effectively in one step, a location of a friend. User's can modify privileges quickly and in near real time. For example, a user may always deny requests to become another's friend for purposes of various location services. Likewise, the user may remove him or herself from a friend's list at any time, but later then request that they be added to that friend's list.

Id. at Paras. [0037], [0038].

In other words, the system for providing location-based services enables a user with a first mobile device to locate a friend with a second mobile device in a manner analogous global positioning satellite (GPS) systems and automatic vehicle location (AVL) systems. (See id. at Paras. [0003], [0039].) Wilson discloses that the system, upon obtaining a request from the first mobile device for meeting with the friend associated with the second mobile device, automatically determines locations for both mobile devices and automatically provides information to the mobile devices regarding a suitable meeting location based on the determined locations of the mobile devices. (See id. at Para. [0039].)

The location-based services can include premium features for enhancing the user's ability to coordinate a meeting with the friend. (See id. at Para. [0161].) If the user wishes to meet the friend at a movie theatre, for example, the location-based services can provide access to a ticket

purchasing service. (See *id.*) Similarly, if the user wishes to meet the friend at a restaurant, the location-based services can provide access to a restaurant rating service. (See *id.*)

The Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. In view of all factual information, the Examiner must make a determination whether the claimed invention "as a whole" would have been obvious at that time to that person. Impermissible hindsight, however, must be avoided, and the legal conclusion must be reached on the basis of the facts gleaned from the prior art. See M.P.E.P. § 2142.

Unlike Wilson's system that automatically determines locations for mobile devices within the vast coverage area of the stationary wireless telecommunication system and automatically provides information to the mobile devices regarding a mutually-convenient meeting location within the coverage area based on the determined locations of the mobile devices, independent claims 12, 27, 28, and 31 recite first and second portable media devices that are associated with first and second passenger seat groups, respectively, within the same vehicle. The passenger's personal computer 226 of Galipeau likewise are disclosed as being disposed within the close confines of an aircraft. Accordingly, Wilson teaches away from independent claims 12, 27, 28, and 31 as well as the combination of Galipeau in view of Wilson. Applicants respectfully submit that the Examiner succumbed to impermissible hindsight in applying Galipeau in view of Wilson in rejecting claims 12, 27, 28, and 31.

As set forth in more detail above, the Examiner acknowledges that "Galipeau fails to explicitly disclose a content source including a first content library and a second content library associated with the first and second group" as set forth in independent claims 12, 27, 28, and 31 and relies solely upon Wilson to teach the claimed content source. Wilson however does not teach or even suggest that the location-based services are associated with any passenger seat groups or that content received by the user's mobile device is provided by a content source that includes a first content library associated with a first passenger seat group within a passenger vehicle and a second content library associated with a second passenger seat group within the passenger vehicle as claimed.

Furthermore, independent claims 12, 27, 28, and 31 each recite a first portable (or handheld) media device for presenting a first content catalog of first viewing content available from the first content library and for enabling selection of first selected viewing content via the first content catalog. Claims 12, 27, 28, and 31 likewise set forth a second portable media device for presenting a second content catalog of second viewing content available from the second content library and for enabling selection of second selected viewing content via the second content catalog. The first and second portable media devices are recited as respectively receiving the selected first and second viewing content from the first and second content library and presenting the selected first and second viewing content. Wilson fails to teach or suggest that the location-based services enable the mobile devices to present a content catalog of viewing content available from a relevant content library or enable selection of selected viewing content via the first content catalog for receipt and presentation.

Here, the Examiner has not established a *prima facie* case of obviousness under 35 U.S.C. § 103(a) because, as set forth above, all of the elements of the pending claims are not found in the cited prior art references. Galipeau in view of Wilson fails to disclose or even suggest a content source with first and second content libraries associated with respective passenger seat groups and first and second portable media devices that present first and second content catalogs of viewing content available from the first and second content libraries and that enable selection of first and second selected viewing content via the content catalog as set forth in the pending claims. The Examiner does not, and cannot, assert that Decinque remedies the shortcomings of Galipeau in view of Wilson. Accordingly, at least one recited element of independent claims 12, 27, 28, and 31 is totally missing from Galipeau in view of Wilson in further view of Decinque. For at least the reasons set forth above, Applicants therefore submit that Galipeau in view of Wilson in further view of Decinque does not bear upon the patentability of independent claims 12, 27, 28, and 31 and that claims 12-24, 27-31 are in condition for allowance.

- C. The Cited Prior Art Does Not Disclose Nor Suggest A Portable Media Device That Includes A Video Presentation System For Presenting A Content Catalog Of Viewing Content Available From A Relevant Content Library Of A Content Source, For Selecting Among The Available Viewing Content Via A Menu-Based System, And For Presenting A Video Portion Of The Selected Viewing Content, Wherein The Portable Media Device And The Relevant Content Library Are Associated With A Selected Passenger Seat Group, As Set Forth In Claims 25 And 26.

Independent claim 25, as amended, recites a portable media device for enabling selection of viewing content available from a relevant content library of a content source, for receiving the preselected viewing content from the content source via a headend system, and for presenting the preselected viewing content. The claimed portable media device includes a video presentation system for presenting a content catalog of the available viewing content, for selecting among the available viewing content via a menu-based system, and for presenting a video portion of the selected viewing content, wherein the portable media device and the relevant content library are associated with a selected passenger seat group, and wherein the content source includes another content library that is different from the relevant content library, that is associated with another passenger seat group, and that is not available to the portable media device.

In the manner set forth in more detail above in Section B.1, the aircraft data management system taught by Galipeau includes an onboard Internet mass storage unit 190, the Internet server 192, and the ground server 232 that can be accessed by all passengers during flight. Independent claim 25, in contrast, recites a portable media device that is associated with a selected passenger seat group and that enables selection of viewing content available from a relevant content library also associated with the selected passenger seat group. A content source is set forth as including the relevant content library as well as another content library that is different from the relevant content library, that is associated with another passenger seat group, and that is not available to the portable media device. As discussed above, the Examiner admits that "Galipeau fails to explicitly disclose a content source including a first content library and a second content library associated with the first and second group, wherein the first content library is different from the second content library and is not available to said second portable media device."

Further, unlike the personal computer 226 disclosed by Galipeau, independent claim 25 recites a portable media device that includes a video presentation system for presenting a content catalog of viewing content available from a relevant content library of a content source. Claim 25 likewise sets forth that the content source includes another content library that is different from the relevant content library, that is associated with another passenger seat group, and that is not available to the portable media device. Applicants submit that Galipeau not only fails to teach or suggest that the disclosed personal computer 226 presents a content catalog of viewing content available from a relevant content library for selecting viewing content for receipt and presentation, but also does not disclose or suggest that the onboard Internet mass storage unit 190, the Internet server 192, and the ground server 232 include a relevant content library and another content library that is different from the relevant content library, that is associated with another passenger seat group, and that is not available to the personal computer 226. Accordingly, by failing to disclose each and every element of independent claim 25, Galipeau does not bear upon the patentability of claims 25 and 26.

The Examiner again recognizes the shortcomings of Galipeau and relies solely upon the teachings of Wilson to supplement the disclosure of Galipeau in rejecting claims 25 and 26. The Wilson system is discussed in Section B.2. As set forth in more detail above, the passenger's personal computer 226 of Galipeau are disposed within the close confines of an aircraft; whereas, Wilson teaches a system for providing location-based services that automatically determines locations for mobile devices within the vast coverage area of the stationary wireless telecommunication system and automatically provides information to the mobile devices regarding a mutually-convenient meeting location within the coverage area based on the determined locations of the mobile devices. Accordingly, Wilson teaches away from independent claim 25 as well as the combination of Galipeau in view of Wilson. Applicants respectfully submit that the Examiner succumbed to impermissible hindsight in applying Galipeau in view of Wilson in rejecting claims 25 and 26.

According to the Examiner, "Galipeau fails to explicitly disclose wirelessly communicating, selecting via a menu-based system, a control system for selecting the selected viewing content for presentation and controlling the presentation of the selected viewing content, wherein the content source includes a second content library that is different from the relevant content library, that is associated with a second group, and that is not available to said portable media device." The Examiner therefore relies solely on Wilson to disclose each of the above elements of claim 25, including "wherein the content source includes a second content library that is different from the relevant content library, that is associated with a second group, and that is not available to said portable media device." Wilson however does not teach or even suggest that the location-based services are associated with passenger seat groups or that content received by the user's mobile device is provided by a content source with a relevant content library and another content library that is different from the relevant content library, that is associated with another passenger seat group within the passenger vehicle, and that is not available to the user's mobile device as claimed.

Independent claim 25 further recites a portable media device that includes a video presentation system for presenting a content catalog of available viewing content, for selecting among the available viewing content via a menu-based system, and for presenting a video portion of the selected viewing content. In the manner set forth above, Wilson fails to teach or suggest that the location-based services enable the mobile devices to present a content catalog of viewing content available from a relevant content library or enable selection of selected viewing content via the first content catalog for receipt and presentation.

Again, the Examiner has not established a *prima facie* case of obviousness under 35 U.S.C. § 103(a) because, as set forth above, all of the elements of independent claim 25 are not found in the cited prior art references. Galipeau in view of Wilson fails to disclose or even suggest a portable media device for enabling selection of viewing content available from a relevant content library of a content source having a relevant content library that is associated with a selected passenger seat group and another content library that is different from the relevant

content library, that is associated with another passenger seat group within the passenger vehicle, and that is not available to the user's mobile device, wherein the portable media device includes a video presentation system for presenting a content catalog of the available viewing content, for selecting among the available viewing content via a menu-based system, and for presenting a video portion of the selected viewing content as set forth in claim 25. Accordingly, at least one recited element of independent claim 25 is totally missing from Galipeau in view of Wilson. For at least the reasons set forth above, Applicants therefore submit that Galipeau in view of Wilson does not bear upon the patentability of independent claim 25 and that claims 25 and 26 are in condition for allowance.

D. Conclusion.

For at least the reasons set forth above, Applicants submit that Galipeau in view of Wilson in further view of Decinque does not bear upon the patentability of independent claims 12, 25, 27, 28, and 31 and that claims 12-31 are in condition for allowance. A Notice of Allowance is earnestly solicited. The Examiner is encouraged to contact the undersigned at (949) 567-6700 if there is any way to expedite the prosecution of the present application.

Respectfully submitted,

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